

IN THE MATTER OF LICENSE NO. 344045 MERCHANT MARINER'S DOCUMENT
NO Z-577681-D2 AND ALL OTHER SEAMAN'S DOCUMENTS
Issued to: AULIS V. SAARINEN

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1609

AULIS V. SAARINEN

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.30-1.

By order dated 30 June 1966, an Examiner of the United States Coast Guard at New Orleans, Louisiana, suspended Appellant's seaman's documents for 3 months outright plus 3 months on 12 month's probation upon finding him guilty of misconduct. The specifications found proved allege that while serving as a Third Mate on board the United States SS DEL NORTE under authority of the license above described, Appellant on or about 26 and 28 May 1966, and 19 June 1966, wrongfully failed to perform his duties, and on or about 19 June 1966, wrongfully had intoxicating liquor in his possession.

At the hearing, Appellant was represented by counsel. Appellant entered a plea of not guilty to the charge and each specification.

The Investigating Officer introduced in evidence the Official Logbook of the vessel and testimony of the Master.

Appellant took the stand and testified in his own behalf.

At the end of the hearing, the Examiner rendered a written decision in which he concluded that the charge and specifications had been proved. The Examiner then served a written order on Appellant suspending all documents issued to him for a period of 3 months outright plus 3 months on 12 months' probation.

The entire decision was served on 11 July 1966. Appeal was timely filed on 15 July 1966.

FINDINGS OF FACT

At all times hereinafter mentioned, Appellant was serving as a third mate on board the United States SS DEL NORTE and acting

under authority of his license while the ship was on a cruise to South America.

On or about 26 May 1966, while the vessel was in Rio de Janeiro, Brazil, Appellant failed to report on time to relieve the watch at 1200. When he did appear at 1245 he was in an intoxicated condition and was sent to his quarters.

On or about 28 May 1966, while the vessel was in Santos, Brazil, Appellant was late appearing for his 0000 to 0400 watch. When he did come aboard he was too intoxicated to stand the watch.

On or about 19 June 1966, while the vessel was at sea, Appellant was observed by the Master and Chief Mate draped over the bridge window, sound asleep. After the master was finally able to awaken Appellant, he saw he was in no condition to stand his watch and had him relieved.

The master and Chief mate then accompanied Appellant to his quarters where they discovered about thirteen full bottles of whisky.

BASES OF APPEAL

This appeal has been taken from the order imposed by the Examiner. It is contended that Appellant did not have sufficient time to prepare his defense, and that the Examiner's order was excessive.

OPINION

There was reliable and substantial evidence introduced at the hearing going to prove each specification of misconduct.

There is no indication that Appellant was not prepared for the proceedings. He was represented by a local attorney who, it must be presumed, would have requested a postponement or continuance had he felt unprepared. No such motion was made. Appellant's counsel cross-examined the witness, made objections to the log entries, elicited favorable testimony from his client, and made a vigorous argument on the latter's behalf at the close of the proceedings. Appellant's contention of unpreparedness is completely unsupported by the record.

Failure to stand watch because of voluntary intoxication is a kind of misconduct directly effecting the safety of life and property aboard a vessel. These offenses must therefore be considered quite serious. The Examiner's order is not deemed excessive under the circumstances.

ORDER

The order of the Examiner dated at New Orleans, Louisiana, on 30 June 1966, is AFFIRMED.

P. E. TRIMBLE
Vice Admiral, U. S. Coast Guard
Acting Commandant

Signed at Washington, D. C., this 10th day of May 1967.

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